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Letter dated 14 March 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to inform you once again, as we have been reporting since the year 2002, that the United States authorities have continued systematically to inflict cruel, inhuman and degrading treatment on René González, Gerardo Hernández, Ramón Labañino, Fernando González and Antonio Guerrero, who are serving lengthy and unjust sentences in that country amounting in total to four life sentences plus 77 years' imprisonment.

As we have had the honour to inform you previously in letters dated 4 June 2002 (A/56/969), 30 August 2002 (A/56/1031), 29 October 2002 (A/57/594), 16 January 2004 (A/58/685) and 15 March 2005 (A/59/738), neither the process of appealing these sentences nor the difficulties faced by the family members of these prisoners seeking to visit them have been resolved.

Following our letter of 15 March 2005, the United States Government again denied entry visas to the United States to Olga Salanueva, wife of René González, and Adriana Pérez, wife of Gerardo Hernández. Just as in the past, the denial was based on unfounded arguments, signalling that the decision was still being made arbitrarily.

In October 2005, the United States Government denied an entry visa to Adriana Pérez, invoking on that occasion section 214 (b) of the Immigration and Nationality Act. The United States authorities alleged that Ms. Adriana Pérez might try to become an immigrant.

In October 2006, for the seventh time in the past six years, the United States Government refused Adriana Pérez permission to enter its territory, by virtue of section 212 (f) of the Immigration and Nationality Act. On that occasion, the concern that Adriana Pérez might become an illegal immigrant was not mentioned; instead the United States authorities invoked the clause that they use to deny entry visas to officials of the Government of Cuba, namely, that their visits might be detrimental to the interests of the United States.

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In November 2005 the United States Government denied an entry visa to Olga Salanueva, invoking section 212 (a) (9) (A) (ii) relating to persons who have been deported. On that occasion the authorities at the American Interests Section in Cuba told Ms. Salanueva that she should not request a visa again since it would not be granted.

It is revealing that in its six previous negative responses to Olga Salanueva the United States Government did not invoke this clause relating to deportees, doing so only just at the time when five years were elapsing since her deportation (November 2000), which is precisely the period of time that United States law stipulates must elapse before a deportee may once again request an entry visa to that country.

In our letter of March 2005 (A/59/738) we referred to the previous visa denials in April, July and September 2002, April and October 2003, April 2004, and January and February 2005, to which should be added those of October 2005 and October 2006 that are described in this letter. For each of these denials the Government of the United States of America cited a different reason. Olga Salanueva and Adriana Pérez have been characterized as terrorists or potential immigrants or intelligence agents, saboteurs, or persons who might seek to overthrow the United States Government by force, violence or other unlawful means, as can be inferred from the wording of the sections of the Immigration and Nationality Act invoked to justify the rejection of their visa applications.

As we noted in our previous letter, Ms. Salanueva resided legally in the United States for two years and two months following the arrest of René González, which had taken place in her home and in her presence. During that time, there was no indication that she was linked with the charges subsequently brought against her husband, and she was not accused of or charged with any federal offence. Had it been thought necessary, two years and two months would have been sufficient time for the United States Government to bring charges against her.

Refusing to grant her a visa on the grounds of presumed intelligence activity is an absurd argument, especially since René González was not accused of espionage or of any of the other grounds mentioned in section 212.

In the case of Adriana Pérez, if it had any solid evidence, the United States Government could have taken action against her in July 2002 when officials arbitrarily held her for 11 hours at the airport in Houston, Texas. On that occasion they revoked her visa and prevented her entry into the United States, which was for the sole purpose of visiting her husband in prison.

The United States Government does not have, nor could it have, any evidence or information to support the assumption that the presence of Ms. Pérez within the United States could be detrimental to that country's interests. Her name does not appear on the indictments brought against her husband, Gerardo Hernández, or any of his four comrades.

There is no conceivable justification for denying visas to Olga Salanueva and Adriana Pérez when there are many rules and principles of international law, and of United States law as well, that require the United States Government to facilitate their visits to their husbands held in United States prisons.

The continued denial of visas, in addition to being a violation of their human rights — the rights of the women and the rights of their husbands and family

members — is tantamount to continued disregard for the many instruments of international law that set forth clearly the rights of prisoners to receive visits from family members and the obligation of Governments to facilitate such visits.

For other family members, the United States Government has also continued to delay unnecessarily the granting of entry permits, with the result that the majority of relatives have been able to visit, on average, only once a year, even though the rules of the various prisons would have allowed more frequent visits, had it not been for the difficulty in obtaining a visa.

Given the humanitarian nature of these visits and the United States Government's moral and legal obligation to facilitate them, compounded by the amount of time that has passed since the arrest of these prisoners in September 1998, the United States Government should grant the visas, which it has thus far repeatedly denied, to Olga Salanueva and Adriana Pérez and provide for the issuance of entry permits to the remaining family members within the established minimum time limits.

It should be noted also that the Working Group on Arbitrary Detention of the United Nations, in its opinion No. 19/2005 issued on 27 May 2005, concluded that "the deprivation of liberty of Mr. Antonio Guerrero Rodríguez, Mr. Fernando González Llort, Mr. Gerardo Hernández Nordelo, Mr. Ramón Labañino Salazar and Mr. René González Sehwerert is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political Rights".

The United Nations should not stand idly by while flagrant human rights violations are being committed against these Cuban families by the Government of the United States of America.

I should be grateful if you would circulate this letter as a document of the General Assembly under agenda items 67 and 100.

(*Signed*) Rodrigo **Malmierca Díaz**
Ambassador
Permanent Representative